IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MIRROR WORLDS, LLC	§	
	§	
Plaintiff	§	
	§	
vs.	§	**CASE NO. 6:08 CV 88**
	§	
APPLE, INC.	§	
	§	
Defendant	§	

ORDER

This is a preliminary order concerning the claim construction of U.S. Patent Nos. 6,006,227 (the "'227 Patent"), 6,638,313 (the "'313 Patent"), 6,725,427 (the "'427 Patent"), 6,768,999 (the "'999 Patent"), and 6,613,101 (the "'101 Patent") (collectively, the "patents-in-suit"). The Court's preliminary determination of the disputed terms in the patents-in-suit are listed in the chart below. A full claim construction opinion will be forthcoming.

Also before the Court is Defendant Apple Inc.'s Motion for Partial Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. § 112 ¶ 2 (Docket No. 156). After considering the briefing and oral argument, the Court **GRANTS** in part and **DENIES** in part Defendant's Motion. Claims 1 and 25 of the '227 Patent and all associated dependent claims are indefinite, while claims 1, 8, 16, and 25 of the '427 Patent and all associated dependent claims are definite. In the '227 Patent, because claims 5, 6, and 9–12 depend on claim 1, which is invalid for indefiniteness, and claims 26, 27, and 29 depend on claim 25, which is also invalid for indefiniteness, claims 5, 6, 9–12, 25, 26, and 29 are likewise invalid. Thus, there is no need to construe disputed terms from claims 5, 6, 9–12, 25, 26, and 29.

'227, '313, '427, and '999 Patents	
Term or Phrase (Patent and Claim)	**Court's Construction**
stream ('227 Patent, Claim 13; '313 Patent, Claim 1; '427 Patent, Claims 1, 20–25, and 37–39; '999 Patent, Claim 1)	a time-ordered sequence of documents that functions as a diary of a person or an entity's electronic life and that is designed to have three main portions: past, present, and future
main stream ('227 Patent, Claim 13; '313 Patent, Claim 2)	a stream that is inclusive of every data unit, or document, received by or generated by the computer system
including each data unit according to the timestamp in the respective chronological indicator in the main stream ('227 Patent, Claim 13)	No Construction
substream ('227 Patent, Claim 13; '313 Patent, Claims 2 and 11)	a stream that is a subset of data units, or documents, yielded by a filter on a stream, the filter identifying certain documents within the stream
stream-based operating system ('427 Patent, Claim 1) **document stream operating system** ('313 Patent, Claim 1; '427 Patent, Claim 25)	an operating system that is based on a time-ordered sequence of documents that functions as a diary of a person or an entity's electronic life and that is designed to have three main portions: past, present, and future
timestamp to identify ('227 Patent, Claim 13)	a date and time value that uniquely identifies each document
glance views ('313 Patents, Claims 1 and 9; '427 Patent, Claims 1, 8, 16, 25, and 32; '999 Patent, Claim 1)	an abbreviated presentation of a document
receding, foreshortened stack ('313 Patents, Claims 1 and 9; '427 Patent, Claims 1, 10, 18, and 25)	No Construction
archiving ('313 Patents, Claims 1 and 9; '427 Patent, Claims 1 and 8)	copying or moving documents to a secondary storage medium
document organization facility ('427 Patent, Claims 1, 8, 16, and 25)	software that organizes documents
All eighteen disputed "**means for** . . ." terms in the '227 Patent	Indefinite
data unit ('227 Patent, Claim 13)	an item of information of significance to the user that the user considers as a unit
enterprise information management system ('999 Patent, Claim 1)	a system that manages information for an enterprise or organization

'227, '313, '427, and '999 Patents	
Term or Phrase (Patent and Claim)	**Court's Construction**
abbreviated form ('227 Patent, Claim 20) **abbreviated version** ('313 Patent, Claims 1 and 9; '427 Patent, Claims 5, 13, 22, 29, and 37)	No Construction
archiving the documents and indicators in consistent format for selective retrieval ('427 Patent, Claims 1 and 8)	No Construction
controlling operating system ('427 Patent, Claims 8 and 16)	an operating system that utilizes subsystems from another operating system
complex analysis ('427 Patent, Claims 7, 15, 24, 31, and 39)	analysis of the content of a documents involving selection of important words, pictures, and/or sounds in the document
document object model ('999 Patent, Claim 1)	a consistent structure containing information about information assets of diverse types, created by diverse software
chronological indicator ('227 Patent, Claim 13; '427 Patent, Claim 25)	[AGREED] a data structure containing at least a timestamp
persistent streams ('227 Patent, Claim 13)	[AGREED] streams that are dynamically updated
visual streams ('227 Patent, Claim 15)	[AGREED] a representation on a display device of a stream
document representation ('427 Patent, Claims 1, 8, 16, 25, and 32)	[AGREED] a graphical depiction of a document, or data unit
operating system ('313 Patent, Claims 1 and 10; '427 Patent, Claims 1, 8, 16, and 25)	[AGREED] the software that handles basic computer operations (e.g. managing input/output, memory, applications, etc.) and presents an interface to the user
document ('313 Patent, Claims 1 and 9; '427 Patent, Claims 1, 8, 16, 25, and 32)	[AGREED] Except as set forth below, "a data unit" In the '313 Patent, Claim 1 at col.15:25, 15:26, 15:31, and 15:33 (i.e. each appearance of "document" in the fifth and sixth paragraphs of the claim after the preamble) and Claim 9 at col. 16:28, 16:29, and 16:34 (i.e. each appearance of "document" in the final two paragraphs of the claim, except the word "documents" in line 16:36), "a document representation"
selected indicators ('427 Patent, Claims 1, 8, and 16)	[AGREED] data structures that contain information relating to respective documents

'227, '313, '427, and '999 Patents	
Term or Phrase (Patent and Claim)	**Court's Construction**
interrupt ('427 Patent, Claims 1, 8, and 16)	[AGREED] an external signal to a program or process that may cause the program or process to take some action
a set of commands applicable to the document representations in the stack ('427 Patent, Claim 32)	[AGREED] commands associated with operations that can be performed on the documents whose document representations are in the stack
marking being common to a class of documents ('427 Patent, Claim 34)	[AGREED] marking in the same way document representations associated with documents having the same type or other characteristic
time-based indicators ('313 Patent, Claims 1 and 9; '427 Patent, Claims 2, 9, 17, and 32)	[AGREED] chronological indicators
a substream that persists ('313 Patent, Claim 3)	[AGREED] a substream that is dynamically updated
information assets ('999 Patent, Claim 1)	[AGREED] data units of significance to the users in an enterprise
browse card ('999 Patent, Claim 1)	[AGREED] a graphical depiction of a document, or data unit
time-ordered stream ('999 Patent, Claim 1)	a time-ordered sequence of documents that functions as a diary of a person or an entity's electronic life and that is designed to have three main portions: past, present, and future
essentially in real time ('999 Patent, Claim 1)	[AGREED] without significant delay as perceived by a user

'101 Patent	
Term or Phrase (Patent and Claim)	**Court's Construction**
a graphical iconic representation of a collection of said first plurality of documents ('101 Patent, Claims 1, 5, and 9)	a collection of two or more document icons displayed together
means for displaying a graphical iconic representation of a collection of said first plurality of documents ('101 Patent, Claim 5)	Function: displaying a graphical iconic representation of a collection of said first plurality of documents

Corresponding Structure: a video display screen, such as a video (CRT) display monitor or a liquid crystal display, and a display controller, coupled to a system bus that receives commands and data from a processor, and structural equivalents |
| **means for displaying a first indicia of a first document of said collection by selecting a first position from said graphical iconic representation** ('101 Patent, Claim 5) | Function: displaying a first indicia of a first document of said collection by selecting a first position from said graphical iconic representation

Corresponding Structure: (a) a video display screen, such as a video (CRT) display monitor or a liquid crystal display, and a display controller, coupled to a system bus that receives commands and data from a processor, and structural equivalents; and (b) an I/O controller to control receiving signals from a cursor control device such as a mouse, and structural equivalents |
| **means for displaying in series a second indicia of a second document and a third indicia of a third document by position said cursor first on a second position on said graphical iconic representation next on a third position on said graphical iconic representation** ('101 Patent, Claim 5) | Function: displaying in series a second indicia of a second document and a third indicia of a third document by positioning said cursor first on a second position on said graphical iconic representation next on a third position on said graphical iconic representation

Corresponding Structure: (a) a video display screen, such as a video (CRT) display monitor or a liquid crystal display, and a display controller, coupled to a system bus that receives commands and data from a processor, and structural equivalents; and (b) an I/O controller to control receiving signals from a cursor control device such as a mouse, and structural equivalents |
| **adjacent** ('101 Patent, Claims 2, 4, 6, 8, 10, and 12) | [AGREED] close to |

So ORDERED and SIGNED this 16th day of February, 2010.

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LEONARD DAVIS
UNITED STATES DISTRICT JUDGE